

PLANNING COMMISSION MINUTES
July 8, 2010
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE AUGUST 12, 2010 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Nick Tri, Chair Cathy Stuhr Lon Wall
 Thomas Barnes Matson Haug Derek Duff

Absent: Philip Smith (excused)

Staff Present: Barton Brierley, Planning & Building Director
 Steve Olson, Associate Planner
 Dawn Karen Bevill, Recording Secretary

II. OPEN MEETING:

Chair Tri opened the meeting at 7:00 p.m. and asked for roll call.

III. CONSENT CALENDAR:

Chair Tri entertained a motion to accept the minutes of the June 10, 2010 meeting.

MOTION #1: Wall/Haug to approve the minutes as corrected from the Planning Commission Meeting of June 10, 2010. (6 Yes/ 0 No/ 1 Absent [Smith]) Motion carried.

MOTION #2: Wall/Haug to approve findings for Resolution 2010-262, denying approval of the Fred Meyer gas station conditional use permit/design review application. (5 Yes/ 1 No [Barnes] / 1 Absent [Smith]) Motion carried.

Steve Olson stated that after tonight's meeting, notification will be sent to all parties who commented regarding the denial. Barton Brierley stated that if there is an appeal, the appeal application will be reviewed and staff would make a recommendation based on that. Staff has two roles; to present the Planning Commission decision to City Council, and to give the City Council a professional recommendation on what should be done. Barton would be concerned if the Planning Commission's decision was not based on findings and evidence, but that is not the case. Mr. Brierley does not see any flaw in the decision the Planning Commission made regarding the proposed Fred Meyer gas station. If the Planning Commission's decision is appealed, there would be a new hearing before the City Council. In response to a question, Barton answered that it would not be appropriate for the Planning Commission members to attend or testify at a City Council appeal hearing.

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Tri offered the opportunity for non-agenda items to be brought forth. No topics were brought forward.

V. WORKSHOP: The final recommendation of the Electronic Sign Ad Hoc Committee:

Steve Olson began the workshop by stating the City Council accepted the recommendation on Tuesday, July 6, 2010, and initiated the Development Code Amendment (DCA). Mr. Olson then reviewed the following timeline: On May 4, 2009 the City Council adopted Resolution 2009-2840 which established the Electronic Sign Ad Hoc Committee and started the Pilot Program for sign experiments. On August 3, 2009, committee members were appointed, representing a broad range of interests. The committee met 10 times; arriving at a recommendation June 3, 2010. The City Council accepted the recommendation on July 6, 2010 and initiated a DCA.

Mr. Olson explained the committee's charter was to conduct a thorough evaluation of potential code amendments and impacts on the local economy, information dissemination, community aesthetics, safety, and to balance business and community interests. The group viewed many sign videos, reviewed other cities' codes, discussed safety with Chief of Police Brian Casey, and discussed Electronic Message Center (EMC) issues with Young Electric Sign Company.

The final recommendation states electronic signs provide a valuable means of communication for the community and for businesses. Newberg's sign code could allow more flexibility for electronic signs, depending on the zone, operating method and sign size, while protecting livability. The City Council should: initiate a Development Code Amendment to consider the proposed code changes; consider creating a low-interest loan fund for sign upgrade projects, and encourage a community-based group to create an annual award for signs that show public service messages.

Mr. Olson gave a summary of the proposed code changes for Electronic Message Centers (EMC): message centers in C-2 would be allowed up to 30 square feet of animation without many limits; extended video allowed in C-2 zone (Portland Rd.) and industrial zones; no flashing, rapid scrolling, or strobing allowed in any zone; for message centers 30 square feet – 100 square feet the level of animation varies as shown in Table 1, page 37 of the official meeting packet.

The recommended code changes are as follows: One size does not fit all. There are different solutions for different zones. Larger signs and signs near residences are more restricted. More flexibility should be allowed in C-2 Commercial Zone (Portland Rd.) and industrial signs. Signs up to 30 square feet can show animated and video messages; up to 100 square foot signs can show alternating messages (like Walgreens does now) but require a site element review if more animation is requested. For downtown C-3 commercial zone, the ad hoc committee felt it best to leave the animation prohibition in place for now and revisit as part of the downtown coalition process. Institutional, Neighborhood Commercial, and Residential-Professional zones would also allow animation, but not extended video messages. Site element review process for some large signs may limit hours of operation if abutting and visible from a residential district; must include at least 3 design elements from list; site landscape brought up to code; and the decision would be made by the Planning Director, can be appealed to Planning Commission. The size incentive for freestanding EMC: 10% larger if four design elements are met; 20% larger if five design elements are met.

Other provisions include:

- Electronic scoreboards: EMC in stadiums or at sports fields are not considered signs or limited in size or display method if they are oriented inward toward the playing field.
- Sign maintenance: Kept in a good state of repair; burned out light or LEDs replaced ASAP.
- Brightness: Automatic dimming technology required on new signs.
- New definitions: For EMC and operating modes.
- Temporary signs: Temporary EMC allowed during grand opening events and “other” events.

Commissioner Wall stated a lot of this is operating under what the Supreme Court decided about signs but he is curious about regulation of content; how do you get there and how do you legally defend it? How can you regulate when animated signs should be on or off? How is this legally defensible? Steve Olson replied you can't regulate content. None of the recommended changes are based on the content of the signs. You can regulate “time, place and manner” issues. Commissioner Haug is concerned with the possibility of adult stores having an animated sign.

Commissioner Haug noted that a brightness limit has not been included. Steve Olson replied some cities have adopted brightness maximums but it can be a complicated issue to regulate well. You have to establish not just a limit but also a measurement process in order to enforce it. Staff will include examples from other cities regarding this when it is presented to the Planning Commission on August 12, 2010.

Commissioner Haug asked how much the EMC signs cost since he is afraid of the pressure on other business owners to put them up. Steve Olson replied the cost is coming down but some of the smaller range from \$20,000 – \$30,000 up to several hundred thousand. Commissioner Haug believes sign owners are pushing to get what they want. This is putting more pressure on businesses to compete and many will not be able to afford EMCs. Mr. Olson stated the City could easily see more businesses putting them up with the cost coming down.

Steve Olson showed videos of signs, both local and in other states, and explained the various types of messaging, such as static, alternating, extended video, flashing, and rapid scrolling. Steve also showed sites with poorly maintained landscaping and well maintained landscaping.

TIME - 8:25 PM

Commissioner Haug believes at least five design elements should be required to help maintain limits which would be best for the community if we go in this direction. This ordinance, if adopted with flexibility, will allow signs to be up all over town. It may be reasonable to make a decision to require these design elements instead of allowing them to be optional. The maximum distraction, brightness, etc. will be reached since that is human nature.

Commissioner Wall stated Commissioner Haug has a point but is hoping it will come down to what the community wants. Animated signs are difficult regarding code because technology is moving so quickly and new legal decisions can change the landscape. Rules and regulations change in the Supreme Court and will affect this, especially regulating content. He believes the rules should be black and white, and not allow variances.

Commissioner Stuhr asked if the committee discussed grandfathering signs in. Steve Olson replied that the proposed code would not make the existing signs non-conforming, except with respect to flashing/rapid scrolling. He clarified the current sign code does not allow variances to the sign code, and the proposed code amendment would not change that. Commissioner Haug believes the pilot program participants only restrained themselves to get this approved. They will push the rules to the extent of what they can get away with and that needs to be acknowledged. Steve Olson replied the members of the pilot program earned praise for their restraint from the City Council, so everyone acknowledges that they could have been showing more animation. The worst case scenarios have to be considered, as well. When the pilot program is over, they will revert to operate under the code.

Commissioner Wall stated when the names of the committee members were read he was surprised. The strategy should be to have a balanced committee. Having said that, he probably would have been more disturbed if the committee was comprised of anti-business or anti-sign people. Also, he is not impugning anyone's ability to solve problems or suggesting that it was rigged from the beginning. If a proposal comes to the Planning Commission, it has to be looked at from a balanced point of view. He is not sure he agrees with the Police Chief that they are not very distracting. If there is a distracting sign but it is beautifully landscaped, he does not care. His only concern is whether or not it is distracting. Steve Olson stated he read quite a few studies on electronic signs, and they were inconclusive as to whether they were distracting enough to be dangerous. Commissioner Haug stated the argument is really about the aesthetics of the community, the look and feel and the livability. Steve Olson agreed, and said that aesthetics is a perfectly valid reason to regulate signs. Barton Brierley suggested when the hearing takes place at the Planning Commission next month, the Commission members should wait and decide at that time whether they like it or not based on the code alone and not on the ad-hoc committee members, motives, etc.

Commissioner Wall suggested Commissioner Haug or another member write a letter to the Editor of the Newberg Graphic about the upcoming Planning Commission meeting in order to get the word out regarding this issue.

TIME - 9:00 PM

VI. ITEMS FROM STAFF:

Update on Council items:

Barton Brierley stated the Council will hear the Watt property annexation on August 2, 2010.

Other reports, letters, or correspondence:

The design level EIS for the bypass is in the public comment period. A copy is available at the office and on the website. A public meeting was held last week at the high school. Public comment is open until July 19, 2010. The City Council is sending a letter that supports the project with some specific comments on certain stages. Individual comments are welcome.

The next Planning Commission Meeting is scheduled on August 12, 2010.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Barnes stated at the last meeting there were comments by the Commissioners regarding Fred Meyer not being a good, cooperative citizen. He then researched that topic and found a Memorial Trust website that allows you to search by city and recipient where money has gone. The Fred Meyer Memorial Trust was initiated in 1982 and has provided over \$496 million in grants to people in Oregon and SW Washington. They have provided over \$10 million to organizations within the City of Newberg; particularly CASA, Habitat for Humanity, the Willamette Initiative, Chehalem Valley Senior Citizen's Council, schools, Chalk Board Projects, and \$825,000 to George Fox University to build an engineering science building and renovate one of their halls. They are a good corporate citizen in his view. His research is in no way an attempt to sway anyone regarding Fred Meyer; he just wanted to make the Planning Commission aware of their contributions. Commissioner Wall stated his comments pertained to the people who testified at the last hearing, and not against Fred Meyer in general.

Commissioner Duff does not believe he will be able to attend the August 12, 2010 Planning Commission Meeting. He also asked Staff for the dimensions of current signs in Newberg.

IX. ADJOURN:

Chair Tri adjourned the meeting at 9:10 PM.

Approved by the Planning Commission on this 12th day of August, 2010.

AYES: 6 **NO:** 0 **ABSENT:** 1 (Duff) **ABSTAIN:** 0



Planning Recording Secretary



Planning Commission Chair